



Sen. Don Harmon

Filed: 3/23/2015

09900SB0874sam002

LRB099 03534 HLH 33247 a

1 AMENDMENT TO SENATE BILL 874

2 AMENDMENT NO. _____. Amend Senate Bill 874 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Sections 22-5 and 22-40 as follows:

6 (35 ILCS 200/22-5)

7 Sec. 22-5. Notice of sale and redemption rights. In order
8 to be entitled to a tax deed, within 4 months and 15 days after
9 any sale held under this Code, the purchaser or his or her
10 assignee shall deliver to the county clerk a notice to be given
11 to the party in whose name the taxes are last assessed as shown
12 by the most recent tax collector's warrant books, in at least
13 10 point type in the following form completely filled in:

14 TAKE NOTICE
15 County of
16 Date Premises Sold

1 Certificate No.
 2 Sold for General Taxes of (year)
 3 Sold for Special Assessment of (Municipality)
 4 and special assessment number
 5 Warrant No. Inst. No.

6 THIS PROPERTY HAS BEEN SOLD FOR
 7 DELINQUENT TAXES

8 Property located at
 9 Legal Description or Property Index No.
 10
 11

12 This notice is to advise you that the above property has
 13 been sold for delinquent taxes and that the period of
 14 redemption from the sale will expire on *

15 This notice is also to advise you that a petition will be
 16 filed for a tax deed which will transfer title and the right to
 17 possession of this property if redemption is not made on or
 18 before *

19 At the date of this notice the total amount which you must
 20 pay in order to redeem the above property is

21 YOU ARE URGED TO REDEEM IMMEDIATELY TO

22 PREVENT LOSS OF PROPERTY

23 Redemption can be made at any time on or before * by
 24 applying to the County Clerk of County, Illinois at the
 25 Office of the County Clerk in, Illinois.

26 The above amount is subject to increase at 6 month

1 intervals from the date of sale. Check with the county clerk as
2 to the exact amount you owe before redeeming. Payment must be
3 made by certified check, cashier's check, money order, or in
4 cash.

5 For further information contact the County Clerk

6 ADDRESS:.....

7 TELEPHONE:.....

8

9 Purchaser or Assignee

10 Dated (insert date).

11 * If this date is a Saturday, Sunday, or holiday, the time to
12 redeem shall automatically be extended to the next day the
13 office of the county clerk is open to the public for business.

14 Within 10 days after receipt of said notice, the county
15 clerk shall mail to the addresses supplied by the purchaser or
16 assignee, by registered or certified mail, copies of said
17 notice to the party in whose name the taxes are last assessed
18 as shown by the most recent tax collector's warrant books. The
19 purchaser or assignee shall pay to the clerk postage plus the
20 sum of \$10. The clerk shall write or stamp the date of
21 receiving the notices upon the copies of the notices, and
22 retain one copy.

23 The changes to this Section made by this amendatory Act of
24 the 97th General Assembly apply only to tax sales that occur on

1 or after the effective date of this amendatory Act of the 97th
2 General Assembly.

3 (Source: P.A. 97-557, eff. 7-1-12.)

4 (35 ILCS 200/22-40)

5 (Text of Section before amendment by P.A. 98-1162)

6 Sec. 22-40. Issuance of deed; possession.

7 (a) If the redemption period expires and the property has
8 not been redeemed and all taxes and special assessments which
9 became due and payable subsequent to the sale have been paid
10 and all forfeitures and sales which occur subsequent to the
11 sale have been redeemed and the notices required by law have
12 been given and all advancements of public funds under the
13 police power made by a city, village or town under Section
14 22-35 have been paid and the petitioner has complied with all
15 the provisions of law entitling him or her to a deed, the court
16 shall so find and shall enter an order directing the county
17 clerk on the production of the certificate of purchase and a
18 certified copy of the order, to issue to the purchaser or his
19 or her assignee a tax deed. The court shall insist on
20 substantial compliance with Section 22-5 and strict compliance
21 with Section 22-10 through 22-25. In the event a current or
22 former owner of the property alleges and the court finds that
23 the tax purchaser failed to substantially comply with Section
24 22-5, the court shall presume the owner was prejudiced by the
25 error contained in the notice. Prior to the entry of an order

1 directing the issuance of a tax deed, the petitioner shall
2 furnish the court with a report of proceedings of the evidence
3 received on the application for tax deed and the report of
4 proceedings shall be filed and made a part of the court record.

5 (b) If taxes for years prior to the year or years sold are
6 or become delinquent subsequent to the date of sale, the court
7 shall find that the lien of those delinquent taxes has been or
8 will be merged into the tax deed grantee's title if the court
9 determines that the tax deed grantee or any prior holder of the
10 certificate of purchase, or any person or entity under common
11 ownership or control with any such grantee or prior holder of
12 the certificate of purchase, was at no time the holder of any
13 certificate of purchase for the years sought to be merged. If
14 delinquent taxes are merged into the tax deed pursuant to this
15 subsection, the court shall enter an order declaring which
16 specific taxes have been or will be merged into the tax deed
17 title and directing the county treasurer and county clerk to
18 reflect that declaration in the warrant and judgment records;
19 provided, that no such order shall be effective until a tax
20 deed has been issued and timely recorded. Nothing contained in
21 this Section shall relieve any owner liable for delinquent
22 property taxes under this Code from the payment of the taxes
23 that have been merged into the title upon issuance of the tax
24 deed.

25 (c) The county clerk is entitled to a fee of \$10 in
26 counties of 3,000,000 or more inhabitants and \$5 in counties

1 with less than 3,000,000 inhabitants for the issuance of the
2 tax deed. The clerk may not include in a tax deed more than one
3 property as listed, assessed and sold in one description,
4 except in cases where several properties are owned by one
5 person.

6 Upon application the court shall, enter an order to place
7 the tax deed grantee or the grantee's successor in interest in
8 possession of the property and may enter orders and grant
9 relief as may be necessary or desirable to maintain the grantee
10 or the grantee's successor in interest in possession.

11 (d) The court shall retain jurisdiction to enter orders
12 pursuant to subsections (b) and (c) of this Section. This
13 amendatory Act of the 92nd General Assembly and this amendatory
14 Act of the 95th General Assembly shall be construed as being
15 declarative of existing law and not as a new enactment.

16 (e) The changes to this Section made by this amendatory Act
17 of the 99th General Assembly apply only to tax sales that occur
18 on or after the effective date of this amendatory Act of the
19 99th General Assembly.

20 (Source: P.A. 95-477, eff. 6-1-08.)

21 (Text of Section after amendment by P.A. 98-1162)

22 Sec. 22-40. Issuance of deed; possession.

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24 not been redeemed and all taxes and special assessments which
25 became due and payable subsequent to the sale have been paid

1 and all forfeitures and sales which occur subsequent to the
2 sale have been redeemed and the notices required by law have
3 been given and all advancements of public funds under the
4 police power made by a county, city, village or town under
5 Section 22-35 have been paid and the petitioner has complied
6 with all the provisions of law entitling him or her to a deed,
7 the court shall so find and shall enter an order directing the
8 county clerk on the production of the certificate of purchase
9 and a certified copy of the order, to issue to the purchaser or
10 his or her assignee a tax deed. The court shall insist on
11 substantial compliance with Section 22-5 and strict compliance
12 with Section 22-10 through 22-25. In the event a current or
13 former owner of the property alleges and the court finds that
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15 22-5, the court shall presume the owner was prejudiced by the
16 error contained in the notice. Prior to the entry of an order
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3 certificate of purchase for the years sought to be merged. If
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5 declarative of existing law and not as a new enactment.

6 (e) The changes to this Section made by this amendatory Act
7 of the 99th General Assembly apply only to tax sales that occur
8 on or after the effective date of this amendatory Act of the
9 99th General Assembly.

10 (Source: P.A. 98-1162, eff. 6-1-15.)

11 Section 95. No acceleration or delay. Where this Act makes
12 changes in a statute that is represented in this Act by text
13 that is not yet or no longer in effect (for example, a Section
14 represented by multiple versions), the use of that text does
15 not accelerate or delay the taking effect of (i) the changes
16 made by this Act or (ii) provisions derived from any other
17 Public Act.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."